

REMARKS

Claims 14, 17, and 23-28 have been canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuation or divisional applications directed to the canceled subject matter. New claims 29-31 have been added. New claim 29 corresponds to canceled claim 17, new claim 30 corresponds to canceled claim 25, and new claim 31 corresponds to canceled 28. No new matter has been added. Entry and reconsideration is respectfully requested.

The rejection of claims 14, 23, 24, and 26 under 35 USC 112, 2nd paragraph as being incomplete for omitting essential elements such omission amounting to a gap between elements. The Office directs attention to MPEP § 2172.01. The Office states that the omitted elements are the environment in which the apolipoprotein B is reduced. The claims are drawn to reducing apolipoprotein B, but there is no recitation as to whether the reduction occurs in vivo or in vitro and concludes that the method claim is incomplete.

Claims 14, 23, 24, and 26 have been canceled. Withdrawal of the instant rejection is respectfully requested.

The rejection of claims 17, 25, 27, and 28, as it now pertains to new claims 29-31, under 35 USC 102(b) as being anticipated by

Tatum et al, Phytochemistry, vol. 11, 2283-88, 1972 is respectfully traversed. The Office states that claim 17 is drawn to a composition containing limocitrin-3,7,4'-trimethylether or limocitrin 3,5,7,4' tetramethylether. The Office further states that claims 25,27, and 28 are drawn to a composition containing 5-desmethylnisensetin. The Office goes on to state that the intended use of the composition does not bear patentable weight as such. It then states that Tatum anticipates the claims as it teaches 5-desmethylnisensetin in a composition and cites page 2288, compound XVIII as well as limocitrin-3,7,4'-trimethylether compound I and limocitrin 3,5,7,4' tetramethylether.

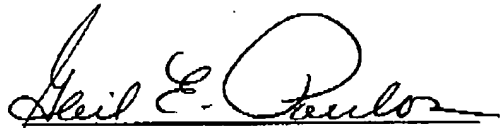
New claims 20-31 do not recite the three compounds stated in the Office action that Tatum discloses. The reference is silent as to the compounds of the presently claimed invention. The rejection is improper with respect to new claims 29-31. Withdrawal of the instant rejection is respectfully requested.

In view of the above amendments and remarks, it is believed that all of the claims are in condition for allowance. Accordingly, it is respectfully requested that the instant application be allowed to issue. If any issues remain to be resolved, the Examiner is invited to telephone the undersigned at the number below.

In the event this paper is deemed not timely filed, the undersigned petitions for an appropriate extension of time. Please charge any fees which may be required by this paper or at any time during prosecution of the instant application, or credit any overpayment, to deposit account 50-2134.

Respectfully Submitted

July 7, 2004
DATE




Gail E. Poulos, Patent Advisor
Registration No. 36,327
USDA-ARS-OTT
5601 Sunnyside Avenue, Rm. 4-1184
Beltsville, Maryland 20705-5131
Telephone: (301)504-5302

cc:

J. Fado
R. Brenner
J. Manthey
N. Guthrie

CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the attached **Amendment and Petition for a One (1) month extension of time** was this day, July 7, 2004 filed in the United States Patent and Trademark Office via facsimile to facsimile number 703-872-9306 Total Pages: 9


Gail E. Poulos